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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
\$35,000.00 IN U.S. FUNDS AND
\$765.85 IN ACCRUED INTEREST,
Defendants.

) CV 07-00107 SJO(AJWx)
)
) CONSENT JUDGMENT OF FORFEITURE
) AS TO CLAIMANT ROBERT TRINGHAM
) ONLY
) [This consent judgment is not
) case-dispositive but does
) resolve the claims of one
) claimant.]
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)

This action was filed on January 4, 2007. Plaintiff seeks the forfeiture of the defendants \$35,000.00 in U.S. funds and \$765.85 in accrued interest (hereinafter "defendant funds"). Notice was given and published in accordance with law. Robert

1 Tringham ("Tringham")¹ was formerly the president and owner of
2 First National Ban Corp. ("FNBC"), a corporate entity which
3 filed a claim and answer on August 7, 2007 and August 9, 2007,
4 respectively. On or about January 13, 2012, Robb Evans &
5 Associates LLC ("Robb Evans"), the receiver of Finbar Securities
6 Corp. ("Finbar")² filed a claim and answer to the complaint
7 because FNBC was believed to be a subsidiary or affiliate of
8 Finbar. On or about March 8, 2012, an Amended Complaint was
9 filed pursuant to stipulation. No other claims or answers have
10 been filed, and the time for filing claims and answers has
11 expired. Plaintiff and Tringham have reached an agreement that
12 is conditionally dispositive of the government's claims against
13 Tringham's interest in this action, and hereby request that the
14 Court enter this Consent Judgment of Forfeiture.

15 Pursuant to this agreement, the government will recommend
16 to the United States Attorney General that any forfeited
17 defendant funds be made available for distribution on a pro rata
18 basis to any victim and/or investor in various investment
19 programs established by Tringham, as part of the restoration
20 and/or remission process commonly utilized by the Department of
21

22 ¹ Although not a claimant in this action, Tringham is a party to
23 this agreement by virtue of any ownership interest he may have
24 in First National Ban Corp.

25 ² The Receiver was appointed pursuant to the Preliminary
26 Injunction and Judgment of Permanent Injunction issued in the
27 case of Securities and Exchange Commission v. Finbar Securities
28 Corp. and Robert Tringham, et al., filed in the U.S. District
Court for the Central District of California, CV 09-2325
ODW(VBKx). Pursuant to that litigation, the Receiver was
appointed as receiver over Finbar and its affiliates and
subsidiaries. FNBC is believed to be one such affiliate and/or
subsidiary of Finbar.

1 Justice, Asset Forfeiture Money Laundering Section, in cases
2 involving the seizure and forfeiture of proceeds of fraud
3 crimes. The government will further recommend that Tringham be
4 given credit toward his criminal restitution obligation for any
5 restoration and/or remission paid by the Department of Justice
6 to any victim listed in Tringham's criminal restitution order as
7 entered in United States v. Robert Tringham, CR 09-00490 SJO.

8 This agreement is conditioned upon Tringham's criminal
9 conviction in United States v. Robert Tringham, CR 09-00490 SJO,
10 being upheld on appeal. If such conviction is affirmed on
11 appeal, this agreement shall become final. If such conviction
12 is reversed on appeal or otherwise vacated, this agreement shall
13 be void and the government shall be entitled to resume its
14 forfeiture action as to Tringham's interests in the defendant
15 assets and Tringham shall be entitled to resume his defense of
16 any claim to the defendant funds.

17 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

18 1. This Court has jurisdiction over the parties and the
19 subject matter of this action.

20 2. Notice of this action has been given in accordance
21 with law. All potential claimants to the defendant funds other
22 than Tringham, claimant Robb Evans and claimant FNBC are deemed
23 to have admitted the allegations of the Amended Complaint. The
24 allegations set out in the Amended Complaint are sufficient to
25 establish a basis for forfeiture.

26 3. The sole claimants to the defendant funds are FNBC and
27 Robb Evans. Tringham, individually and as owner of FNBC, has
28 the legal right to abandon, withdraw any claim, and consent to

1 the forfeiture or other appropriate disposition of all or any
2 portion of his individual interest in the defendant funds.

3 4. Tringham hereby withdraws any claim to the defendant
4 funds, plus any accrued interest on the defendant funds.
5 Accordingly, Tringham's interest in the defendant funds, plus
6 any accrued interest on the defendant funds, shall be disposed
7 of in accordance with law at the conclusion of this litigation
8 without further notice to Tringham.

9 5. Tringham hereby releases the United States of America,
10 its agencies, agents, officers and attorneys, including
11 employees and agents of the Internal Revenue Service, from any
12 and all claims, actions or liabilities arising out of or related
13 to the seizure of the defendant funds and the commencement of
14 this action, including, without limitation, any claim for
15 attorney's fees, costs or interest which may be asserted on
16 behalf of Tringham, whether pursuant to 28 U.S.C. § 2465 or
17 otherwise.

18 6. The court finds that there was reasonable cause for
19 the seizure of the defendant funds and institution of these
20 proceedings. This judgment shall be construed as a certificate
21 of reasonable cause pursuant to 28 U.S.C. § 2465.

22 7. The parties shall each bear their own costs and
23 attorneys' fees in this action.

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8. The Court shall retain jurisdiction over this matter to enforce the provisions of this Consent Judgment.

S. James Oten

Dated: October 3, 2012

THE HONORABLE S. JAMES OTERO
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

DATED: September 14, 2012

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/s/ P. Greg Parham
P. GREG PARHAM
Assistant United States Attorney

DATED: September 14, 2012

Byrne & Nixon LLP

/s/ Mark A. Byrne
MARK A. BYRNE
Attorneys for Robert Tringham

DATED: September 14, 2012

/s/ Robert Tringham
ROBERT TRINGHAM